

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
CHARLES OLIVER

ABSENT: None

Also in attendance: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
James Van Tiflin, Township Engineer of Spalding DeDecker
Associates. (Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (*With any corrections*)

MOTION by BUCCI seconded by MALBURG to approve the amended agenda.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by OLIVER to approve the both Bill runs as submitted.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

4. Approval of the August 25, 2004 previous Meeting Minutes

MOTION by OLIVER seconded by MALBURG to approve the August 25, 2004 Meeting Minutes.

MOTION carried.

5. **CONSENT AGENDA ITEMS:**

5a. **Clerks Department:**

1. Approve to Return Wall Sign Bond; Cap N Cork; Located on the southeast corner of 21 Mile Road and Garfield Road; Reliable Sign Service, Petitioner. Permanent Parcel No. 08-32-100-022
2. Approve to Return Wall Sign Bond; Music Stadium; Located on the southeast corner of 21 Mile Road and Garfield Road; John D'Anna, Petitioner. Permanent Parcel No. 08-32-100-228
3. Approve to Return Wall Sign Bond; Oliver's Pizza; Located on the southeast corner of 21 Mile Road and Hayes Road; Dominick Oliver, Petitioner. Permanent Parcel No. 08-31-100-008

5b. **Water & Sewer Department:**

1. Approve Easement Encroachment Agreement; Lot 25; Burning Tree Estates Subdivision; Liber 117, Pages 1-4 of plats, Macomb County Records. David A. Balos and Rosemary Balos, property owners. Permanent Parcel No. 08-26-460-019
2. Approve Easement Encroachment Agreement; Lot 5; Burning Tree Subdivision; Liber 117, Pages 1-4 of Plats, Macomb County Records. Louis J. Asher and Shelly A. Asher, property owners. Permanent Parcel No. 08-26-461-002
3. Approve Easement Encroachment Agreement; Lot 59; Lancaster Subdivision; Liber 147, Pages 1-11 of Plats, Macomb County Records. Brian A. Kijewski and Pamela M. Kijewski, property owners. Permanent Parcel No. 08-28-254-016
4. Approve DWSD Easement Encroachment Permit Documents; MA03-031; Regarding 24 Mile Road Sanitary Sewer (600' east of Broughton Road).

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

MOTION by BUCCI seconded by DUNN to receive, file and approve the consent agenda items as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit) None.

NEW BUSINESS:

7. Request to approve Liquor License Transfer; Brann's Steakhouse & Grill

Supervisor BRENNAN reviewed the request.

Petitioner Present: Chris Baker, Attorney and Tom Doyle, Treasurer of Sizzlin 5, Inc.

Public Portion: William Franchy, Township resident, questioned the location of Brann's Steakhouse & Grill. The petitioners described the location north of Hall Road approximately 1/8 of mile west of Romeo Plank Road.

MOTION by KOEHS seconded by MALBURG to approve the request for Sizzlin 5, Inc. to transfer ownership of 2004 Class C Licensed Business located in escrow at 25029 Van Dyke, Centerline, Michigan 48015, Macomb County, from Rathnaw Ares, Inc.; and transfer location (governmental unit) (MCL 436.1531 (1) to 17757 Hall Road, Macomb, Michigan 48044, Macomb Township, Macomb County. Permanent Parcel No. 08-32-400-005

FOR THIS MOTION: KOEHS, MALBURG, DUNN, OLIVER, BUCCI, BRENNAN.

ABSENT: NONE

OPPOSED: NONE

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION**

RESOLUTION

At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor John Brennan on September 8, 2004 at 7:00 p.m.

The following resolution was offered:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

Moved by Michael Koehs and supported by Marie Malburg

That the request from SIZZLIN 5, INC. TO TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 25029 VAN DYKE, CENTERLINE, MI 48015, MACOMB COUNTY, FROM RATHNAWARES, INC.; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 17757 HALL, MACOMB, MI 48044, MACOMB TOWNSHIP, MACOMB COUNTY.

be considered for approval

APPROVAL

**Yeas: Koehs, Malburg, Dunn,
Oliver, Bucci, Brennan**

Nays: None

Absent: None

DISAPPROVAL

Yeas: None

Nays: None

Absent: None

It is the consensus of this legislative body that the application be recommended for issuance.

STATE OF MICHIGAN

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COUNTY OF MACOMB

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the

Macomb Township Board of Trustees at a regular meeting held on September 8, 2004.

SEAL

(Signed)

**Michael D. Koehs, CMC
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

RESOLUTION DECLARED ADOPTED.

BUILDING DEPARTMENT:

8. Request approval for two (2) Building Department Plumbing Inspectors to attend the 2004 Fall Plumbing Inspectors Conference.

Bob Beckett, Township Building Official, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by BUCCI to approve the request for George Ryan and Ken Borycz, Township Building Department Plumbing Inspectors, to attend the 2004 Fall Plumbing Inspectors Conference for the total cost of Seven Hundred Forty dollars and 40/100 (\$740.40).

MOTION carried.

FIRE DEPARTMENT:

9. Request permission to purchase new & replacement equipment for department apparatus.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by OLIVER to approve the request to purchase new & replacement equipment for department apparatus for the total cost of Seventy Three Thousand One Hundred Twenty Two dollars and 76/100 (\$73,122.76).

MOTION carried.

10. Request permission to purchase ten (10) SCBA face masks.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to approve the request to purchase ten (10) Self Contained Breathing Apparatus SCBA face masks through Apollo Fire Equipment of Romeo for the total cost of Five Thousand Eight Hundred Dollars and 00/100 (\$5,800.00).

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

MOTION carried.

11. Request permission to perform annual flow test on SCBA regulators.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the request to perform the annual flow test on Self Contained Breathing Apparatus SCBA regulators through Apollo Fire Equipment of Romeo for the total cost of Two Thousand One Hundred dollars and 00/100 (\$2,100.00).

MOTION carried.

12. Request permission to advertise or donate Fire Engine 4, 1980 GMC.
VIN# T18CV9V586862

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to approve request to advertise Fire Engine No. 4 VIN# T18CV9V586862 in the amount of Eight Thousand dollars and 00/100 (\$8,000.00) and forward all bids and or offers to the Township Board of Trustees for their consideration.

MOTION carried.

13. Request permission for Supervisor to sign TACOM mutual aid agreement.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KOEHS to approve the request for John D. Brennan, Township Supervisor to sign the TACOM mutual aid agreement as submitted.

MOTION carried.

14. Request permission to purchase fire prevention materials.

Ray Ahonen, Fire Department Chief, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

MOTION by KOEHS seconded by DUNN to approve the request to purchase fire prevention materials through Ross Industries of Liberty, New York and New England Promotional of Wilbraham, Massachusetts for the total cost of Two Thousand Five Hundred Eighty Nine dollars and 00/100 (\$2,589.00) plus shipping.

MOTION carried.

15. Request permission to attend annual Rapid Intervention Team (RIT) operations course.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request for Captain David Myny, Captain Richard Koss and fifty three (53) paid-on-call Township Fire Fighters to attend the annual Rapid Intervention Team (RIT) Operations Course for the amount of One Thousand Eight Hundred Fifty dollars and 00/100 (\$1,850.00) per person.

MOTION carried.

16. Request permission to purchase thirty (30) pagers and ten (10) portable radios.

Ray Ahonen, Fire Department Chief, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to approve the request to purchase thirty (30) pagers and ten (10) portable radios through BEARCOM of Farmington Hills Michigan for the total cost of Nineteen Thousand Six Hundred Seventy dollars and 00/100 (\$19,670.00).

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

17. Macomb Township Group Pension Annual Review Presented by Robb Kissler of Nationwide Financial and Todd Carless of Burnham & Flower Group.

Robb Kissler of Nationwide Financial and Todd Carless of Burnham & Flower reviewed the pension materials.

Public Portion: None

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

MOTION by KOEHS seconded by DUNN to approve the request to further authorize continuing meetings with the Township Human Resource Department Director, John Brogowicz, with scheduling educational meetings with Robb Kissler of Nationwide Financial and Todd Carless of Burnham & Flower Group pertaining to the Township pension plans.

MOTION carried.

WATER & SEWER DEPARTMENT:

18. Request to approve five (5) Temporary Concrete Batch Plant Sites; Tony Angelo Cement Construction Company

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by BUCCI to approve the request for five (5) Temporary Concrete Batch Plant Sites; Tony Angelo; for the Bluffs of Beaufait Farms No. 2, Fallbrooke Farms Subdivision, Harmony Acres Subdivision, Westminster Subdivisions No. 1 & 2 and Bellagio Subdivision as submitted.

MOTION carried.

19. Request to approve underground Right-of-way Agreement for Detroit, ie Fire Station No. 3

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to authorize the Township Supervisor, John D. Brennan, to sign the Under Ground Right-A-Way Agreement with Detroit Edison Fire Station No. 3 as submitted subject to review and approval by the Township Attorney Larry Dloski. Permanent Parcel No. 08-26-426-008

MOTION carried.

20. Request to approve Detroit Edison Agreements for Fire Station No. 3
- A. Line Extension Agreement
 - B. Indemnification or Installation of Underground Agreement
 - C. Certificate of Grade

David Koss, Water & Sewer Superintendent, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

Public Portion: None

MOTION by KOEHS seconded by MALBURG to authorize the Township Supervisor, John D. Brennan, to sign the Line Extension Agreement with Detroit Edison for Fire Station No. 3 as submitted for the total cost of Three Thousand Three Hundred Fifteen dollars and 01/100 (\$3,315.01) subject to review and approval by the Township Attorney Larry Dloski.

MOTION carried.

MOTION by DUNN seconded by BUCCI to authorize the Township Supervisor, John D. Brennan, to sign the Detroit Edison Agreements for Fire Station No. 3; Indemnification or Installation of Underground Agreement as submitted subject to review and approval by the Township Attorney Larry Dloski. Permanent Parcel No. 08-26-426-008

MOTION carried.

MOTION by KOEHS seconded by OLIVER to authorize the Township Supervisor, John D. Brennan, to sign the Detroit Edison Agreements for Fire Station No. 3; Certificate of Grade as submitted subject to review and approval by the Township Attorney Larry Dloski. Permanent Parcel No. 08-26-426-008

MOTION carried.

21. Request to approve purchase requisitions:
 - A. 11 Mile Truck Frame & Axle
 - B. SLC Meter Service

David Koss, Water & Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by KOEHS to approve both purchase requisition requests for vehicle maintenance through 11 Mile Truck Frame & Axle for Truck No. 109, 1992 Dodge Dump Truck for the total cost of One Thousand Three Hundred Five dollars and 62/100 (\$1,305.62) and the purchase requisition for Truck 107, 1991 Chevrolet Dump Truck for the total cost of Two Thousand Two Hundred Fifty Seven dollars and 71/100 (\$2,257.71) as submitted.

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve both purchase requisition requests through SLC Meter Service Inc. for meter materials for the total cost of

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

Two Thousand Two Hundred dollars and 46/100 (\$2,200.46) and the purchase requisition for Meter/Customer Install for the total cost of Twenty Nine Thousand Nine Hundred Thirty Two dollars and 80/100 (\$29,932.80) as submitted.

MOTION carried.

BOARD COMMENTS:

22. Supervisor Comments:

Addition:

22A. One Room School House Located at the Township Fire Station No. 4. Sec. 7

Supervisor BRENNAN reviewed the options the Township has with the One Room School House building. Mr. BRENNAN stated due to timing with the construction contract for the development of the Fire Station No. 4, the Township has to act now. Mr. BRENNAN reviewed the cost factors involved with detaching the front facade. No more than Twenty Five Thousand dollars and 00/100 (\$25,000.00), to re-support the front wall of the School House building during the process of removing the front area preventing the wall from caving in and then demolishing the balance of the building. Not to exceed Fifteen Thousand dollars and 00/100 (\$15,000.00), to separate and support the front facade of the building. Then just under Eleven Thousand dollars and 00/100 (\$11,000.00) to handle the balance demolition on the site.

Public Portion: Camille Silva, Township resident, voiced her thoughts, concerns and suggestions regarding the One Room School House Building in question as to the historical values. William Franchy, Township resident, question why does everyone wait until the last minute when saving old buildings. Edward Gallagher, Township resident, addressed his concerns regarding the fees involved with saving the particular areas described of this building.

The Members of the Board held further discussion reviewing the property and school house building in question.

MOTION by DUNN seconded by KOEHS to have Premacon try to save at least a portion of this One Room School House Building that is architecturally unique and to have the Township Supervisor, John D. Brennan, pursue the possibility of getting a truck and the time donated to transport the portion(s) of the building to the Water & Sewer Department Building property. Permanent Parcel No. 08-08-101-042

FOR THIS MOTION: DUNN, KOEHS, OLIVER, BUCCI, MALBURG, BRENNAN.

ABSENT: NONE

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

OPPOSED: NONE

MOTION carried.

MOTION by DUNN seconded by OLIVER to accept the quote submitted by Premacon for the total cost of Ten Thousand Six Hundred and Seventy dollars and 00/100 (\$10,670.00) to demolish and remove the balance of the One Room School House structure excluding environmental issues. Parcel No. 08-08-101-042

FOR THIS MOTION: DUNN, OLIVER, BUCCI, MALBURG, KOEHS, BRENNAN.

ABSENT: NONE

OPPOSED: NONE

MOTION carried.

23. Clerk Comments: None

Clerk KOEHS stated October 3, 2004 is the last day to register for the upcoming Election.

24. Treasurer Comments: None

25. Trustees Comments: None

EXECUTIVE SESSION:

26. Hans W. Lohr Family, LLC, et al vs. Township of Macomb, et al

Tabled at the Township Attorneys request to the September 22, 2004 Township Board of Trustees Meeting.

27. Tiamo, et al vs. Township of Macomb

Tabled at the Township Attorneys request to the September 22, 2004 Township Board of Trustees Meeting.

28. M-59 Fairchild LLC, et al vs. Township of Macomb

Tabled at the Township Attorneys request to the September 22, 2004 Township Board of Trustees Meeting.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, SEPTEMBER 8, 2004
AT 7:00 P.M.

ADJOURNMENT:

MOTION by MALBURG seconded by KOEHS to adjourn this meeting at 8:24 p.m.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb